



MONTANA FISH, WILDLIFE & PARKS

**Draft
Environmental Assessment**



**Woods Bay Fishing Access Site
Improvements**

September 21st, 2020

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife and Parks (FWP) in Region 1 is proposing improvements to the dock and parking area at Woods Bay Fishing Access Site (FAS) near Woods Bay in Lake County, Montana. FWP would replace the existing dock with a new dock that is anchored to fixed pilings and re-organize the parking area at the site to improve traffic flow and parking.

2. Agency authority for the proposed action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs FWP to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection of fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guide public involvement and comment for improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See *Appendix A* for HB 495 qualification.

3. Name, address and phone number of project sponsor (if other than the agency):

4. Anticipated Schedule:

Estimated Construction Commencement Date: March 1st, 2021

Estimated Completion Date: April 1st, 2021

Current Status of Project Design (% complete): 50%

5. Location affected by proposed action (county, range and township – included map): Lake County, T26N, R19W, S19 (**Figure 1 and Figure 2**)

Figure 1. Flathead Valley Map

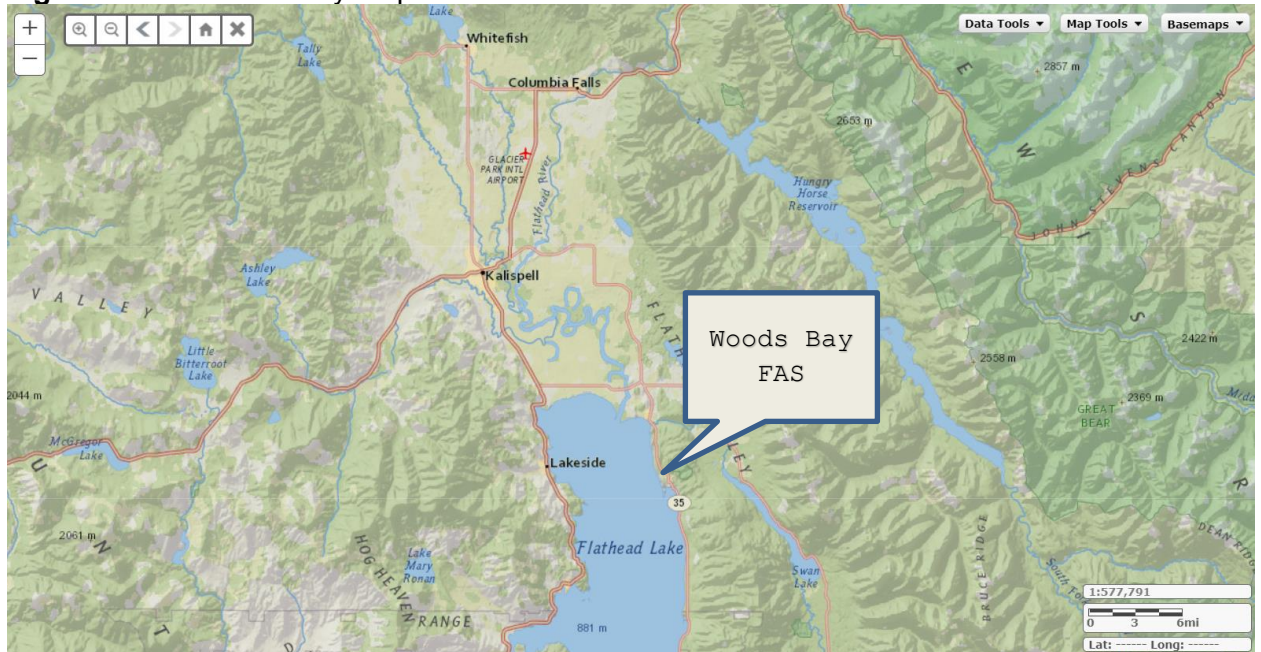
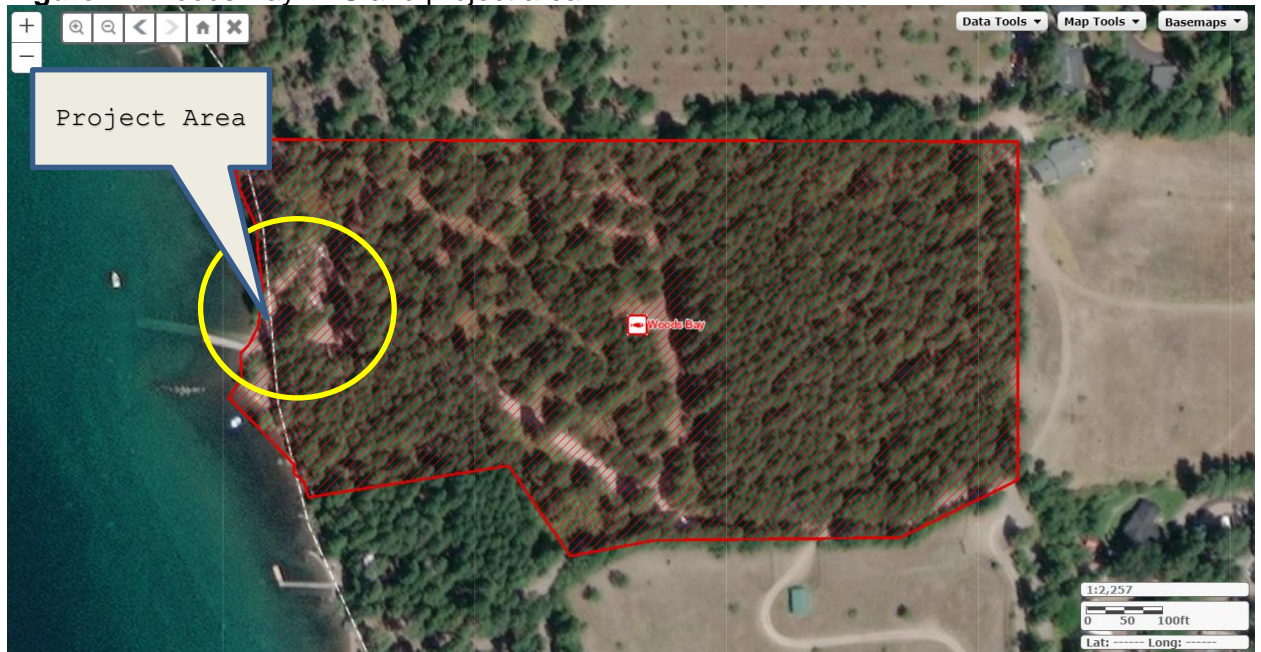


Figure 2. Woods Bay FAS and project area.



6. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0</u>
(b) Open Space/	<u>3</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>

8. **Permits, Funding & Overlapping Jurisdiction.**

(a) **Permits:** permits will be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Lake County	Lakeshore Protection
Montana Dept of Environmental Quality	318 Short Term Water Quality Standard
US Corps of Engineers	404 Federal Clean Water Act

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Montana FWP	\$100,000.00

(c) **Other Overlapping or Additional Jurisdictional Responsibilities:** The State Historic Preservation Office would be consulted prior to any groundbreaking activities.

<u>Agency Name</u>	<u>Type of Responsibility</u>
State Historic Preservation Office (SHPO)	Historical Preservation

9. **Narrative summary of the proposed action:**

Woods Bay FAS is a ten-acre site on Flathead Lake near Woods Bay in Lake County. The site provides access to Flathead Lake for recreational activities including fishing, boating, swimming, picnicking, wildlife viewing, and walking. Site amenities include an access road, parking area, boat ramp, boat dock, and vault latrine.

The roads, parking area, and boat ramp take up about three acres of the ten-acre site. The remaining seven acres are undeveloped and timbered. The forest consists of Douglas-fir, Ponderosa-pine and Western larch. The site also includes 500 ft of Flathead Lake shoreline that is primarily undeveloped except for the boat ramp, dock and parking areas.

The existing 8' by 60' floating dock is prone to damage from waves that frequently batter this portion of the shoreline. The dock has been damaged and repaired many times and needs to be replaced (**Photo 2**). Additionally, the dock is prone to coming loose from its anchors and being pushed across the boat ramp during high wind and wave events (**Photo 1**). FWP is proposing to replace the existing dock with a new dock that would be attached to fixed pilings driven into the lakeshore. This new dock would be engineered to float up and down on the surface of the water and be stable against waves or wind that frequently occur on this exposed shoreline. It would be useable at the same lake levels as the existing dock, generally from mid-May to mid-October.

Photo 1. Existing dock after a storm in 2018. The dock has been blown across the boat ramp.

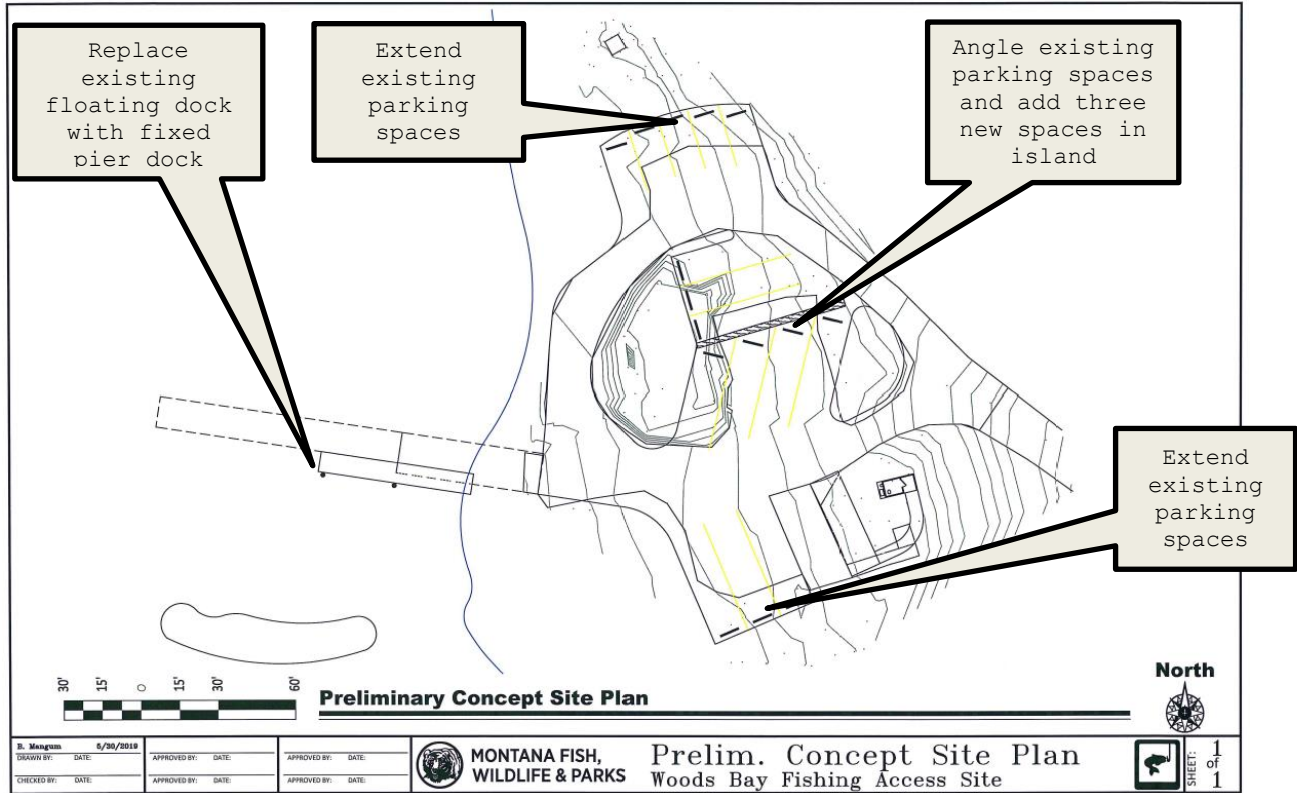


Photo 2. Broken frame members on existing dock following 2018 storm



The existing parking area at the site can accommodate five to six boat trailers and five to six single vehicles but was not designed for the longer truck and boat trailers that are using the site now. The topography at the site limits the amount of level ground for parking there and becomes congested when the parking area fills up, so it can be especially difficult to maneuver longer boat trailers in the resulting confined space. FWP is proposing to angle and extend the parking areas by approximately 10ft. to more easily accommodate boat trailer parking and improve traffic flow through the site (**Figure 3**). We also propose to add three new truck and trailer parking spaces. More importantly, we would make parking spaces longer and wider, would improve traffic flow, and make launching and recovering boats easier and safer.

Figure 3. Proposed preliminary concept plan.



10. Description and analysis of reasonable alternatives:

Alternative A: No Action

FWP would not replace the existing dock or improve the parking area. The existing dock would continue to be damaged by high wind and wave events necessitating costly repairs annually. It is unclear how much longer FWP staff could maintain the dock in useable condition. FWP would not improve the parking area and congestion would continue to be a problem.

Alternative B: Proposed Action

FWP would install a new floating dock fixed to pilings and designed to withstand the forces generated by high wind and wave events. FWP would also re-align and extend parking spaces to improve traffic flow and parking at the site.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would employ Best Management Practices (BMP), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the Proposed Action. All permits listed in Part I 8(a)

above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Geology and soil quality, stability and moisture				X		
2. Air quality or objectionable odors			X		X	2.
3. Water quality, quantity and distribution (surface or groundwater)				X		3.
4. Existing water right or reservation				X		
5. Vegetation cover, quantity and quality			X			5.
6. Unique, endangered, or fragile vegetative species				X		
7. Terrestrial or aquatic life and/or habitats				X		7.
8. Unique, endangered, or fragile wildlife or fisheries species				X		8.
9. Introduction of new species into an area			X		X	9.
10. Changes to abundance or movement of species				X		

Comments

2. Operation of construction equipment would result in a temporary and localized increase in exhaust and odors. This impact would be limited to the immediate construction area and limited to periods of active construction.

3. The work to install pilings for the dock would occur at low water when the area is dry. Any equipment operating below the high-water mark would access the area via the existing concrete ramp to minimize disturbance to the lake bed. The parking area work would be done in compliance with FWP's Best Management Practices (Appendix A FWP BMPS) to minimize erosion and sediment delivery to the lake.

5. The parking area improvements would require the removal of several trees including merchantable and non-merchantable Ponderosa pines and Douglas firs. These trees would be removed as part of a separate forest-management project slated to occur during the winter of 2020-2021. This forest

management project is the subject of a separate Environmental Assessment and Decision Notice in the fall of 2019. Areas disturbed during construction would be vulnerable to colonization by noxious weeds. These areas would be reseeded and monitored and treated for noxious weeds as necessary.

7. Some species would be temporarily stressed and possibly displaced during construction activities and would likely return soon after the project is complete. Given the scale of the proposed project these impacts would be minor and temporary. The project is not expected to have an impact on the overall abundance, distribution or diversity of fish or wildlife species in the region.

8. Grizzly bears are listed as threatened by the US Fish and Wildlife Service (USFWS) and the site is within the habitat range of grizzly bears. While grizzly bears have been observed in the vicinity of the site, the site is not critical habitat for bears. The project is small in scale and is not expected to adversely affect bear populations or their habitat.

Bull trout are listed as threatened by the USFWS and Bull trout inhabit Flathead Lake. This project is not expected to have an impact on Bull trout.

9. Areas disturbed during construction would be vulnerable to colonization by noxious weeds. These areas would be reseeded and monitored and treated for noxious weeds as necessary.

B. HUMAN ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Noise and/or electrical effects			X		X	1.
2. Land use				X		
3. Risk and/or health hazards			X		X	3.
4. Community impact				X		
5. Public services/taxes/utilities				X		
6. Potential revenue and/or project maintenance costs			X			6.
7. Aesthetics and recreation			X			7.
8. Cultural and historic resources	X					8.
9. Evaluation of significance			X			9.
10. Generate public controversy				X		

Comments

1. Construction activities would cause some noise. The impact of this noise would be limited to the immediate construction area and would occur only during active construction. To minimize impacts to nearby residents, construction would only occur during the daytime.

3. Construction activities are inherently dangerous and there is a minor risk of injury to workers and the general public. The project would be managed to minimize the exposure of the general public to these hazards through signage and possible closure of the site during construction. Construction would occur during the early spring when use levels are low. The new dock would ultimately be safer as it would be designed to handle forces that it is exposed to at the site. The improved parking area would ultimately be safer as it would improve traffic flow through the site.

6. The dock and parking areas would require occasional maintenance and upkeep. FWP's FAS program has an existing maintenance budget and staffing levels that would be able to meet these needs. The improved dock would require less maintenance than the existing dock that requires regular repairs.

7. The project is intended to facilitate improved recreational use of the site by improving the parking layout and dock. The aesthetics of the site would be slightly altered by the removal of trees to accommodate the improved parking layout.

8. The State Office of Historic Preservation would be contacted prior to any groundbreaking activities to assess any potential impacts to cultural or historic resources.

9. During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of Flathead Lake.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of Flathead Lake, an important, popular, and heavily used lake in Montana.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. Those impacts would occur in an area that is already developed for and impacted by public recreational use. Many of the impacts can be mitigated through careful project design and implementation. The natural environment would continue to provide habitat to transient and permanent wildlife species. Some wildlife species would be temporarily disturbed or displaced during the active construction period and would return once the project is complete. The project is not expected to have an impact on the overall abundance, distribution or diversity of fish or wildlife species in the region.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- One public notice in each of these papers: Daily Interlake, Helena Independent Record, Lake County Leader.
- One statewide press release;
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Notification of the availability of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

2. Duration of comment period:

The public comment period will extend for (30) thirty days following the publication of the second legal notice in area newspapers. Written comments will be accepted until 5:00 p.m., October 21st, 2020 and can be mailed to the address below:

Woods Bay Fishing Access Site Proposed Improvement Project
Montana Fish, Wildlife & Parks, Region 1
490 Meridian Road
Kalispell, MT 59901

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an Environmental Impact Statement (EIS) required? (YES/NO)? NO**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

Based on an evaluation of impacts to the physical and human environment relative to the Montana Environmental Policy Act, this environmental review revealed no significant negative impacts from the proposed action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value effected, any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. **Person(s) responsible for preparing the EA:**

Tony Powell
Regional Fishing Access Site Manager
FWP Region 1
490 N Meridian Rd
Kalispell, MT 59901
406-751-5423
tpowell@mt.gov

3. **List of agencies or offices consulted during preparation of the EA:**

FWP Region One Fisheries Division
FWP Region One Wildlife Division
FWP Design and Construction Bureau

APPENDICES

A: 23-1-110 MCA Project Qualification Checklist

B: FWP Best Management Practices

APPENDIX A

23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

Date: September 1st, 2020

Person Reviewing: Tony Powell

Project Location: Woods Bay FAS is located on Flathead Lake near the town of Woods Bay on Yenne Point Rd. in Lake County. The land is in Section 19, Township 26 North, Range 19 West.

Description of Proposed Work: FWP proposed to replace the existing floating dock with a dock on fixed piers and to improve the parking layout to improve traffic flow and parking in the site.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

[X] A. New roadway or trail built over undisturbed land?

Comments: The existing parking spaces would be extended over undeveloped, though disturbed land.

[] B. New building construction (buildings <100 sf and vault latrines exempt)?

Comments: No new construction.

[] C. Any excavation of 20 c.y. or greater?

Comments:

[X] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?

Comments: The expanded parking area would increase parking capacity by less than 25%. More importantly, it would extend existing parking spaces and improve the parking layout for improved traffic flow.

[] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?

Comments: No.

[X] F. Any new construction into lakes, reservoirs, or streams?

Comments: Pilings would be driven into the lake bed to secure the dock.

[] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?

Comments: No.

[] H. Any new above ground utility lines?

Comments: No.

[] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?

Comments: No campsites would be constructed.

[] J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?

Comments:

APPENDIX B

MONTANA FISH, WILDLIFE AND PARKS

BEST MANAGEMENT PRACTICES

10-02-02

Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
 - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
 - a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. Road Design

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. Drainage from Road Surface

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
 - a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
 - b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.

- c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.
 - 2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
 - 3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
 - 4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.
- D. Construction/Reconstruction
- 1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
 - 2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these “slash filter windrows” so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
 - 3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
 - 4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
 - 5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
 - 6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.
- E. Road Maintenance
- 1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
 - 2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
 - 3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or

plowing snow.

4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils.
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use.

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce

the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.

3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.